

REMARKS

The Examiner's rejections under 35 U.S.C. § 102(e) and 103(a) are respectfully traversed. Reconsideration of this application and prompt allowance is respectfully requested.

The Rejection Under 35 U.S.C. § 102

The Examiner rejected independent claims 15 and 16 as anticipated by Perras (U.S. Patent No. 6,904,033). To anticipate, a reference must have all the limitations of the claim, arranged as in the claim. That is not the case here, so Perras cannot anticipate.

Independent Claim 15

Independent claim 15 requires:

receiving a request to register a data communication session with a packet data server prior to a radio air link being established with the mobile subscriber.

To show the above limitation, the Examiner pointed to col. 3, lines 39-40 which describes a Mobile Node (see FIG. 2, reference 36) sending MIP registration request, and col. 4, 63-65, which describes PDSN 40 sending to Mobile Node 36 an agent advertisement message 42. The Examiner's cited sections disclose communications that are only possible over a radio air link, while the claim requires receiving a request "prior to a radio air link being established with the mobile subscriber" (emphasis added). Since the claim requires a "request to register a data communication session" be received prior to a "radio air link," the cited sections do not show or suggest the claim limitation.

The Examiner inferred that "the radio air link is not established until the MIP registration is complete" (Office Action, p. 3). This inference is incorrect. FIG. 2 of Perras shows an established radio air link as reference number 37. The corresponding description discloses "[t]he network 35 comprises an MN [Mobile Node] 36, which is typically a wireless terminal connected through a radio (air) interface 37 to a Packet Control Function (PCF) of a Base Station Controller" (col. 4, lines 42-45). As Perras indicates, an established radio interface is needed to maintain a connection between a mobile device and the network. As shown in FIG. 2 of Perras, the radio interface 37 establishes a connection prior to MIP registration message exchanges.

Thus, Perras does not show or suggest the limitation “receiving a request to register a data communication session with a packet data server prior to a radio air link being established with the mobile subscriber.”

Claim 15 also requires:

following receipt of said signal indicating that the radio air link has been successfully established, sending a configuration request signal to the mobile subscriber.

The Examiner pointed to an “Agent Advertisement message” in Perras at col. 4, lines 63-65, which refers to a message sent from the PDSN 40 to the MN 36 in FIG. 2. However, Perras fails to show the limitation “following receipt of said signal indicating that the radio air link has been successfully established” as required by claim 15. As mentioned above, Perras shows in FIG. 2 an already established air interface 37 connection and fails to disclose any “signal indicating that the radio air link has been successfully established.”

Independent Claim 16

Independent claim 16 requires:

exchanging data session registration request and reply signals between a packet control function module and a data packet server module to register the data communication session according to a known communication control protocol

The Examiner cited col. 3, line 39, which discussed a MIP registration request sent by a Mobile Node, and col. 4, lines 19-20, which discussed a MIP registration reply received by a Mobile Node. In contrast, the claim limitation requires “between a packet control function module and a data packet server module,” and not messaging exchanged between a mobile node and a PDSN as Perras discloses. Perras fails to teach or suggest an exchange “between a packet control function module and a data packet server module” to “register the data communication session.”

For at least the forgoing reasons, applicants respectfully request the Examiner remove the rejection and place the claims in a condition for allowance.

The Rejection Under 35 U.S.C. § 103

The Examiner rejected independent claims 1, 8, and 19 as being unpatentable over Perras in view of Cheng et al. (U.S. Patent No. 6,810,263).

Independent Claims 1 and 8

Independent claims 1 and 8 require:

receiving a request to register a data communication session with a packet data server prior to a radio air link being established with the mobile subscriber (claim 1);

receiving a request to register a data session with a packet data server prior to a radio air link being established with the mobile subscriber (claim 8).

As mentioned above with respect to claim 15, the Examiner uses disclosure about messaging with a mobile node to show the above limitations (the Examiner cited col. 3, lines 39-40 and col. 4, lines 63-65). These MIP registration messages must have a radio air link connection with a mobile node to be sent and received, while claims 1 and 8 require receipt of a request “prior to a radio air link being established with the mobile subscriber” (emphasis added). As such, Perras fails to show or suggest this limitation. Further, Cheng fails to show or suggest this limitation as well.

Independent claims 1 and 8 also require:

sending a signal from the packet data server to trigger the establishment of a radio air link between the base station and the mobile subscriber to allow communication between the packet data server and the mobile subscriber (claims 1 and 8)

To show this limitation, the Examiner pointed to col. 4, lines 63-65, which discloses a PDSN sending an agent advertisement message to a mobile node. As discussed above, an agent a radio air interface connection is needed for communication with the mobile node. Perras shows this in FIG. 2, with a radio air interface connection established prior to the sending of the agent advertisement message from the PDSN. The section cited by the Examiner cannot show “sending a signal from the packet data server to trigger the establishment of a radio air link” because the radio interface connection of Perras is already established by the time the agent advertisement is sent. In addition, claims 1 and 8 require “establishment of a radio air link

between the base station and the mobile subscriber to allow communication between the packet data server and the mobile subscriber” (emphasis added). Merely pointing to a communication between the PDSN to the mobile subscriber fails to show or suggest “sending a signal” to “trigger the establishment of a radio air link.”

Independent claims 1 and 8 also require:

waiting a set time period before sending a configuration request to the mobile subscriber to allow establishment of the radio air link (claim 1);

waiting a first set time period from sending the initial configuration request signal to the mobile subscriber before sending a second initial configuration request signal, wherein the first set time period provides additional time for establishment of the radio air link (claim 8).

The Examiner used Cheng to show the above limitations. In particular, the Examiner cited col. 4, lines 18-20, which discloses a process used by a mobile station in attempting to reconnect to the base station after a timer in mobile station expires. Cheng’s disclosure is looking at a mobile node timer and timing the actions taken by the mobile node. Unlike Cheng, the claims require “waiting a set time period” before sending a “configuration request” to the mobile subscriber.” Thus, Cheng fails to show or suggest “sending” a “configuration request to the mobile subscriber.”

Independent Claim 19

Independent claim 19 requires:

said packet data server including a processor that triggers the establishment of the radio air link and attempts sending a configuration request signal over said communication network responsive to an indication that said radio air link is ready to carry said configuration request signal to said mobile subscriber to establish a first connection

The Examiner point to col. 4, lines 65-67 to show this limitation, which discloses the mobile node sending a MIP registration request in response to receiving an agent advertisement message. This section and Perras fail to show or suggest “sending a configuration request signal” “responsive to an indication that said radio air link is ready” because in Perras the radio air link is already established (as discussed with respect to claim 15) and there is no mention of “an indication” that the radio air link is ready in Perras. In addition, the claim limitation

specifically describes using the configuration request signal “to establish a first connection.” In Perras, an air interface 37 connection is already established (with no indication prior to this establishment) and a PPP connection is also established prior to the sending of the MIP registration message. Perras fails to show or suggest “triggers the establishment of the radio air link” “sending a configuration request signal over said communication network responsive to an indication.”

For at least the foregoing reasons, applicants respectfully request that the rejection be removed from independent claims 1, 8, and 19, and that these claims be placed in a condition for allowance.

Dependent Claims are Allowable

Applicants respectfully submit claims 2-7, 9-14, 17-18, and 20-22 each of which depend from one of independent claims 1, 8, 15, 16, or 19 are allowable at least for the same reasons given above. For at least the foregoing reasons, applicants respectfully request the Examiner’s rejection be withdrawn and the claims be allowed.

Authorization

The Director is hereby authorized to charge any additional fees, which may be required for this amendment, or credit any overpayment to Deposit Account No. 08-0219.

In the event that an Extension of Time is required, or which may be required in addition to that requested in a petition for an Extension of Time, the Director is requested to grant a petition for that Extension of Time which is required to make this Reply timely, and is hereby authorized to charge any fee for such an Extension of Time or credit any overpayment for an Extension of Time to Deposit Account No. 08-0219.

Respectfully submitted,

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